

ZONING MAP AMENDMENT REQUEST BY THE DREES COMPANY (APPLICANT)  
FOR PROPERTY OWNED BY PAT AND ARLENE JONES.  
THE PROPERTY IS LOCATED SOUTH OF KY 18 AND WEST OF  
OAKBROOK ROAD, BOONE COUNTY, KENTUCKY.

SEPTEMBER 24, 1986

This request is for a Zoning Map Amendment by The Drees Company (applicant) for property located south of KY 18 and west of Oakbrook Road. The 37.3 acre site is currently zoned Suburban Residential Two (SR-2) and is being proposed to be Urban Residential One/Planned Development Overlay (UR-1/PD) and Commercial Two/Planned Development Overlay (C-2/PD). Approximately 15.7 acres is being requested to be rezoned C-2/PD, while the remaining amount or 21.6 acres is proposed to be UR-1/PD. The property is currently being used for residential, agricultural, and commercial purposes.

SURROUNDING LAND USES AND ZONING

The surrounding zoning of the 37.3 acre site consists of Commercial Services (C-3) to the north; Suburban Residential One (SR-1) to the south; Suburban Residential One/Planned Development Overlay (SR-1/PD) to the east and Suburban Residential Two (SR-2) to the west. Land uses in the area include commercial (e.g. bank and automobile dealership) to the north, residential to the south, residential to the east, and open space to the west. Two single-family houses and two large storage barns are located on the site. Two single-family residences are located close to the south property line.

TOPOGRAPHY AND SOILS

The topography and soil types vary on the 37.3 acre site. The terrain is higher on the west side and decreases slightly toward the east portion of the site or near Gunpowder Creek, which separates the proposed development from Oakbrook Subdivision. There is an existing farm pond located on the site. The soil types include two types of Rossmoyne Silt Loam (RsC and RsB), which are usually found in areas of 0-12 percent slope and Jessup Silt Loam (12 to 20 percent slope). These three soil types require erosion controls to slow surface runoff and reduce soil loss. In general, they also appear in sloping areas and have a moderate to severe-swell potential.

REFERENCE TO 1980 COMPREHENSIVE PLAN AND 1986 COMPREHENSIVE PLAN

In general, the proposed zone change request is referred to in a number of ways in the 1980 Comprehensive Plan and the 1986 Comprehensive Plan. First, the 1980 Future Land Use Map shows the area is proposed to be Environmentally Sensitive and Medium Density Residential. The 1986 Future Land Use Map indicates that the area be used for commercial purposes toward the front portion of the site and for residential purposes (Medium Density Residential) toward the rear portion. Second, the text of both plans examines the site for future land uses.

1980 COMPREHENSIVE PLAN

Page 3.3 Medium Density housing "range from two to eight (2-8) dwelling units per acre and a wide variety of housing types are anticipated, including single-family detached and attached, multi-family (including townhouse and garden apartments), and mobile homes in designated planned areas".

Page 3.7 "Neighborhood or convenience oriented commercial districts are much more broadly disposed throughout the County. These districts should be located close to their consumer population and developed as planned districts to avoid 'strip' development."

Page 3.10 "If a development is planned for a site which includes environmentally sensitive areas as well as good developable land, the developer may be allowed to cluster development at higher densities on the condition that the environmentally sensitive land will be preserved."

Page 3.15 "Residential land use is planned south of KY 18, toward Pleasant Valley Road (KY 237). This planned area encompasses existing developments of Oakbrook, several subdivisions along Beemon Lane and the Boone Aire Country Club area."

#### 1986 COMPREHENSIVE PLAN

Page B-15 In general, large residential developments may need to provide for neighborhood-scale commercial activities (e.g. small grocery or convenience stores, family restaurants, professional offices or small retail operations of general merchandise).

Page H-17 "Multi-family construction will take place increasingly in the Florence-Burlington-Hebron area because of easy access (KY 18, KY 237, and I-275) and the spread of urbanization."

Page H-20 "The Florence-Burlington area will develop very rapidly around new KY 18. Medium density will be the predominant residential development in the corridor."

Page L-14 "Development to the east of Camp Ernst Road and south of KY 18 should also be in carefully planned residential areas."

Page L-14 "Oakbrook and the golf course will remain and the subdivision may tie in with new subdivisions in the area with the possibility of a road connection to Camp Ernst Road."

In the summary, the 1980 Comprehensive Plan and the 1986 Comprehensive Plan recommends that the area eventually be developed for commercial and residential purposes. Careful attention should be given to the actual layout and design of the proposed development due to the topography of the site.

#### CONCEPT DEVELOPMENT PLAN

As part of this zone change request, the applicant has submitted a Concept Development Plan (see attached copy) and a three page summary, which outlines the reason for rezoning the 37.3 acre site. The applicant would like to rezone the property in order to compliment the existing Oakbrook Subdivision. The proposed Oakbrook addition would provide apartments and/or condominiums and a variety of commercial uses (e.g. neighborhood convenience type stores, individual free-standing sites and area-wide commercial establishments). The proposed uses and intensities consist of the following:

<u>ZONING DISTRICT</u>	<u>AREA IN ACRES</u>	<u>SQUARE FOOTAGE</u>	<u>USE</u>
C-2/PD	15.7	132,300	-To be determined by market place.  -Any of the allowable C-2 uses.
		<u>NO. OF UNITS</u>	
UR-1/PD	21.6	260	-Apartments and/or condominiums.

Access to the site will be from KY 18. A new road will be constructed which will connect Limaburg Road with Oakbrook Road. The proposed road will be publicly dedicated and will have a pavement width of 25 feet. This road is planned to provide better access for the property owner to the southeast. The applicant has also indicated a desire to utilize the other existing curb cuts off KY 18 of which one may be appropriate. Water and sanitary sewer service is being planned from the existing Oakbrook Subdivision. Storm sewer service will be provided with the construction of several lines, catch basins, and a detention pond. The applicant has stated that between 45% - 50% of the site will be maintained as natural open space or landscaped areas. The applicant is proposing as part of this request 9' x 18' parking spaces for the site. Finally, the proposed project is scheduled to be development in four phases.

- Phase 1 - Construction of new road and convenience commercial center (eastside of new street).
- Phase 2 & 3 - Apartment and/or condominium site and/or freestanding commercial sites (west side of new street).
- Phase 4 - Area-wide commercial site (along KY 18).

SPECIAL CONCERNS

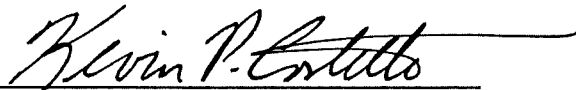
After review of the submitted Concept Development Plan, the Boone County Planning Commission staff has a number of concerns. These concerns include the following.

1. There is no mention of uses in the proposed commercial zone. Currently, there are over 100 uses in the C-2 underlying zone. The Planning Commission will have to determine whether certain types of commercial use such as a drive-in and franchise fast food type restaurants and a gasoline service station is appropriate in the area.
2. The submitted Concept Development Plan does not show any planned recreational facilities for the apartment/condo section. There will be an increase demand on existing recreational facilities in Boone County unless some provision is made.
3. Access management provisions are not shown on the submitted Concept Development Plan. Provisions such as a frontage road along KY 18 and interconnecting parking lots and driveway aisles should be designed to encourage traffic to move within the development rather than dumping additional traffic on KY 18. Appropriate connections to adjacent properties within the proposed residential portion of the site should be encouraged to allow traffic to travel to the commercial area.

4. Appropriate transportation improvements on KY 18 will have to be made to insure safe turning movements into the proposed development (e.g. lefthand turn lane on KY 18 from the westbound lane and a storage or deceleration lane on the east-bound lane).
5. Appropriate type buffering and buffering sufficient in size should be placed at the southeast side of the site to screen the single-family residence from the proposed multi-family housing development.
6. There is no provision for a traffic light to be placed that would face the new road.

CONCLUSION

The submitted Concept Developemnt Plan exemplifies an imaginative design to provide key neighborhood type commercial services and other types of commercial services to the Oakbrook Subdivision and neighboring residents. The proposed multi-family residential use would be similar to the type of development, which already exists in the Oakbrook Subdivision. The Planning Commission should decide whether the Concept Development Plan is in agreement with the Boone County Comprehensive Plan. The Plan should also be analyzed to determine if it meets the objectives of Planned Development. If approved by the Boone County Planning Commission and the Boone County Fiscal Court, the 1986 Future Land Use Text and Map would not need to be changed.



Kevin P. Costello  
Asst. Director/Sr. Planner

KPC/jdh



3-15-85

1" = 800'

77-887-705



# Drees

## The Drees Company

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### REZONING PROPOSAL FOR AN ADDITION TO OAKBROOK

Overview: Begun in 1977, Oakbrook has evolved into the premier community in Boone County which, when completed, will comprise over 1,500 units on over 400 acres. Due to the foresight of the Boone County Planning Commission and Fiscal Court in planning and approving the Planned Development concept and The Drees' Company efforts in design, development and marketing, Oakbrook is an example of a most successful effort in cooperative and innovative community planning. The proposal herewith presented to the Planning Commission is an expansion of Oakbrook which will broaden the scope of the planned and existing development by adding important complementary land use components to further enhance the Community of Oakbrook.

Concept Plan: The concept plan shows the basic framework from which the final development plans will evolve and expand. The concept plan proposes development of 37.3 acres for commercial and multi-family use off a new public street which extends Limaburg Road from Burlington Pike to Oakbrook Road. The following is a discussion of the elements of the concept plan.

Access: The plan proposes the construction of a new public street. The new street would be an extension of Limaburg Road from a signalized intersection at Burlington Pike southward crossing Gunpowder Creek and intersecting Oakbrook Road at the entrance to The Woods apartment community. The proposed street would be 24-feet in width with curb and gutter and no on-street parking. Expanded pavement would provide for left turn movements onto Burlington Pike and Oakbrook Road. Frontage development would coordinate access thus limiting the number of necessary curb cuts

*"The Good Neighbor Builder"*

to maximize traffic movement. Pedestrian access would be provided by sidewalks interconnecting across Gunpowder Creek with the existing Oakbrook path system. To extend the "Oakbrook Character" out to Burlington Pike, street trees will be planted along the length of the proposed street.

Commercial: The plan proposes to zone approximately 15.7 acres Commercial C-2 Planned Development. The purpose of this commercial area is to provide for those retail needs, both convenience and major purchase opportunities, and personal and professional service needs of the Oakbrook community and a developing area market.

The site is strategically located between the Florence Mall area and Burlington, positioning it well with respect to a strong existing population base and a rapidly expanding area market. The concept plan addresses these markets, envisioning an initial phase development of a convenience type commercial retail/service center along the east side of new Limaburg Road. Along the west side, area is provided for those commercial retail and service establishments requiring small individual free standing sites. The remaining commercial area, fronting along Burlington Pike, is planned for those commercial uses serving an area-wide market and requiring larger sites to provide greater floor space, parking needs, and ancillary services.

The site is well accessed, serviced by a major arterial roadway, Burlington Pike. Primary entrance to the commercial development is via the proposed extension of Limaburg Road from Oakbrook Road on the south and from Burlington Pike on the north at the existing signalized intersection. Interior vehicular circulation is controlled through limited curb cuts onto new Limaburg Road and by coordination of both vehicular and pedestrian access between commercial establishments. The coordination of access reduces the need to re-enter Burlington Pike or new Limaburg Road in order to move between establishments. Access to the site along Burlington Pike is limited to those already existing curb cuts.

The character of the proposed commercial development along new Limaburg Road will be influenced by the residential flavor and scale of the existing Oakbrook development. Street trees will be a predominant feature along new Limaburg Road and overall design,

landscaping and signage standards will be enforced to present a unified appearance.

Multi-Family: The plan proposes to zone approximately 21.6 acres Urban Residential UR-1 Planned Development. Development of 260 condominium and/or apartment residential units is proposed at a density of 12 units per acre. This density is comparable to the permissible Planned Development density of the existing SR-2 residential zone and is less than the 18 units per acre as would be permitted under the proposed zone. The UR-1 Planned Development is the zone of choice because the limitations in the current SR-2 zone allows only townhouse multi-family uses and not the condominium/apartment flats as proposed in the concept plan.

The need for the proposed multi-family units can be well documented by the continuing high occupancy rate of 96% - 98% within the nearby Woods apartment community and the demand at other new and existing multi-family developments for such units.

The proposed site is well situated for multi-family development. Direct access is provided to Burlington Pike via new Limaburg Road at a signalized intersection. The use would be compatible with the existing Woods apartment community to the south and provides a transitional use from the proposed commercial development along Burlington Pike and new Limaburg Road. The site is situated to easily connect with the existing open space pathway system along Oakbrook Road and is within a short walking distance of the proposed shopping area. It is also conveniently located midway between Boone Woods Park and Boone County golf course, two major recreational facilities within the area.

The addition of these multi-family units to the Oakbrook community would continue the ability of Oakbrook to offer the wide range of housing opportunities as it has in the past.

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARINGS

SEPTEMBER 24, 1986

8:00 P.M.

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Vice-Chairman David Martin opened the Public Hearing on the request of Boone County Traffic Management Committee through Boone County Fiscal Court for a text amendment to the Boone County Zoning Regulations to include specific traffic access control regulations into the county regulations.

Mr. Martin recognized Mr. Pat Raverty, Commissioner of the Boone County Fiscal Court and Chairman of the Boone County Traffic Management Committee.

Mr. Raverty described the forming of the Boone County Traffic Management Committee which reviewed different strategies to help the traffic flow of Boone County. Mr. Raverty stated that O.K.I. had brought to the Committee's attention a set of access management regulations developed by planners approximately in 1977. Mr. Raverty recommended that those regulations be incorporated into the Zoning Regulations. Mr. Raverty explained the 1977 access management regulations were revised and a better draft, the 1986 access management regulations, were formed. Mr. Raverty noted the Committee was now requesting that the 1986 draft be considered. Mr. Raverty introduced Mr. John Heileman and Mr. John Fonner, representatives from O.K.I., and noted they would go through the particular techniques of the access control regulations and give an explanation of what they were.

Mr. John Fonner of O.K.I., discussed the concept of the access management regulation. Mr. Fonner stated the approach was to maximize the use of the existing roadways or the planned roadways to make sure they could handle the increase of traffic that was going to occur. Mr. Fonner described the objectives of the proposed regulation as follows:

1. To preserve the capacity of the roadway and to make sure the intersections and the driveways attached to a roadway did not adversely effect or diminish the capability of the roadway to carry traffic.
2. To protect the public investment. The roadways require a lot of money to build and to keep in good condition.
3. To enhance the attractiveness of Boone County for future development.
4. To provide safeties for those using the roadways. To

make sure people aren't involved in accidents because the roadways are too congested.

Mr. Fonner described examples of how some four lane highways had worked and how some had not throughout the County. Mr. Fonner also described how different developments had overgrown the capacity of the roadways in the County. Mr. Fonner discussed Article 17A and the Sections therein. (See "Exhibit A")

Staff members David Geohegan and Jim Sturdevant described the Sections within the Staff Report. (See Staff Report)

Mr. Martin opened the meeting for questions or comments.

Mr. Don Wiedeman of the Homebuilders Association, referred to Section 1725A and inquired if that Section pertained to Class III roadways. Mr. Fonner stated no, only Section 1730A and 1735A.

Mr. Wiedemann inquired if Class II roadways included properties zoned Residential. Mr. Fonner stated the zoning was for the property along any roadway.

Mr. Wiedemann inquired if the proposed access management regulations were compatible with the zoning regulations, spacing, and lot sizes. Mr. Wiedemann also inquired what was the criteria for the posted speed limits. Mr. Fonner stated the criteria for the posted speed limits had no application and he was assuming that speed limits had been identified by County or State agencies and noted the minimum spacing had been determined by professionals in the field. Mr. Fonner stated lot sizes are set up on a minimum standard. Mr. Fonner explained that minimum spacing requirements on residential roadways were designed to prevent what had happened on Hopeful Road, where every home had a driveway that came out onto the roadway.

Mr. Wiedemann inquired if the proposed regulations were going to dictate the density of the zoning regulations. Mr. Sturdevant stated no, and that in most cases the minimum spacing requirements could be accommodated with the current zoning along most roadways even where there were Class II roads.

Mr. Collins noted he would like to see Class II put on Conrad Lane.

Mr. Martin expressed the Commission's appreciation to Mr. Pat Raverty, the Technical Committee and Messrs. Fonner and Heileman of O.K.I. and staff for all their hard work and time given to the proposed traffic access control regulations. Hearing no further questions or comments, Mr. Martin closed the Public Hearing.

## PUBLIC HEARING

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Vice-Chairman David Martin opened the Public Hearing on the request of Sarah M. Kloeker (owner) for rezoning of 51.73 acre tract. The property is located at 9428 Camp Ernst Road, Boone County and is currently zoned Rural Suburban Estates, RSE and Agricultural Two, A-2 and is being proposed to be changed to Agriculture, A-1.

Staff member Tom Breidenstein presented a brief history of the request along with a slide presentation and Staff Report. (See Staff Report)

Mr. Martin inquired of any comments on behalf of the proposed request.

Ms. Sharon Sullivan, Attorney, representing the proposed request, explained that Mrs. Kloeker was a widow with eleven children who had grown up on the particular property and helped in maintaining the property as a farm. Ms. Sullivan noted one provision in the Comprehensive Plan text was to protect the existing as well as provide for the future. Ms. Sullivan explained the Kloeker family did not want a mobile home park but rather wanted to just provide a home for a family member and further explained the Kloeker's stocked 28-30 heads of cattle and raised their own crops for their own uses and a tobacco base in which they provide a living. Ms. Sullivan stated the Kloeker's wanted to abide by the law and they did not realize by placing another mobile home on the property they were in violation. Ms. Sullivan pointed out that on the existing Comprehensive Plan map the particular area was designated for Agricultural use and stated that the proposed zone change was consistent with the current Comprehensive Plan. Ms. Sullivan noted that a lot of uses allowed in an A-2 zone would not be an appropriate use for the particular area. Ms. Sullivan described the location of the mobile home and noted it would not be fronted on the road. Ms. Sullivan closed by stating that Mrs. Kloeker felt the proposed use was the appropriate use for the property and the use would continue to be agricultural. Ms. Sullivan made herself available for any questions.

Mr. Jim Sherman, 1922 Camp Ernst Road, requested the Planning Commission to approve the proposed request and he noted Mrs. Kloeker had done an excellent job in seeing that the property had maintained its agricultural appearance and felt sure she would continue.

Mr. Tom Ferris, property owner down the road from the Kloeker's property, stated his worst fear would be that some time in the future a mobile home park would spring up and noted he

would like to see the zoning remain as it was currently. Mr. Ferris stated he did not object to two or three trailers but felt it would be an absolute nightmare to have a trailer park or to have some developer come in and want to buy the property for the allowed uses in the A-1 zone.

Ms. Sullivan responded to Mr. Ferris's concerns and noted that if there was a desire for a mobile home park or a development of some kind, Mrs. Kloeker would find herself again before the Planning Commission and all adjoining property owners would have to be notified.

Mr. Ferris again stated he was not opposed to what Mrs. Kloeker was requesting but noted his fears of a mobile home park.

Mr. Martin inquired if the applicant would consider and express a limitation on the number of trailers on the proposed request. Ms. Sullivant noted Mrs. Kloeker stated an overall total of five trailers on the 51 acre parcel.

Hearing no further questions or comments, Mr. Martin closed the Public Hearing.

PUBLIC HEARING

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Vice-Chairman David Martin opened the Public Hearing on the request of Drees Company (agent) for Pat and Arlene Jones (owners) for a Zoning Map Amendment to rezone a 37.3 acre tract of land located at 1785 Burlington Pike, Boone County, Kentucky. The current zoning is Suburban Residential Two, SR-2 and is being proposed to be rezoned to Commercial Two/Planned Development Overlay, C-2/PD Overlay for approximately 15.7 acres and Urban Residential One/Planned Development Overlay, UR-1/PD Overlay for the remaining 21.6 acres.

Staff member Kevin Costello submitted a letter from the applicant to the Chair outlining their reasons for the proposed zone change. (See "Exhibit B")

Mr. Costello presented a slide presentation of the proposed site and the surrounding area.

Mr. Mike Schottelkotte of the Drees Company presented a slide presentation of the proposed development.

Mr. Jim Viox, Engineer for the proposed development, presented the Concept Development Plan and described the water and sewer provisions. Mr. Viox noted that approximately 50% of the total development would be green space. Mr. Viox pointed out

that under the proposed zone of UR-1/PD it allowed 18 units per acre but the proposed plan indicated 12 units per acre. Mr. Viox noted the density was not being abused and that the type of unit (e.g. apartment/condominium/landominium) was allowed in the UR-1/PD zone and not in the current zone.

Mr. Schottelkotte described the intended staging of the proposed development:

1. To construct the new road coming from KY 18 and tying into Oakbrook Drive and;
2. With the completion of the new road, then the first portion of the commercial development, which would be the convenient type shopping center would be located along the east side of the road;
3. As time and demand for another commercial development continued the individual sites located on the other side of the road such as financial institutions and daycare centers would be the second or third stage in conjunction with the multi-family development.
4. As a final stage, a commercial development which focused on local and community needs of the area would follow.

Mr. Schottelkotte presented a slide presentation of the quality and types of structures Drees had already constructed and he described the architectural layout of the proposed development. Mr. Schottelkotte stated the proposed zone change was appropriate and there had been changes in the particular area since the current zoning was adopted and that growth population had created certain demands for both the commercial and apartment needs. Mr. Schottelkotte concluded the development, as noted in the Staff Report was in conformance with the 1980 and the proposed 1986 Comprehensive Plan.

Mr. Costello presented the Staff Report. (See Staff Report) Mr. Costello referred to the commercial portion of the Concept Development Plan. Mr. Costello indicated the maximum square footage was 132,300 square feet. Mr. Costello noted on page 3 of the Staff Report there was a list of concerns: (1) The applicant had stated they wished to pursue all the allowable uses in the C-2 zone. Mr. Costello stated that was over 100 uses that would be permitted. Mr. Costello explained that the Commission would have to review and figure out if certain types of those uses would be appropriate for the site. (2) Mr. Costello noted also the need for recreation on the Concept Development Plan and he hoped when the Preliminary Plan or Site Plan came before the Commission that some recreation provision be made to serve the apartment or condo units. (3) Mr. Costello referred to the access management provision and noted the need to tie in where appropriate to adjacent properties. Mr. Costello stated that staff felt that with certain subdivisions within the area as well

as undeveloped properties, there should be a provision, if possible, where shared access should be provided in the form of interconnecting parking lots, driveway aisles, etc. (4) Mr. Costello referred to transportation improvements on Ky 18 and noted a need for a left-hand turn lane, west bound on KY 18 to turn into the new proposed roadway system leading into Oakbrook Drive and the need for a deceleration lane going into the commercial portion of the Concept Plan. (5) Mr. Costello mentioned there was a single-family residence on the southwest corner of the site and that appropriate buffering and screening be placed in the area to buffer the single-family from the multi-family housing and; (6) The traffic signal which was currently located there, did not have a light facing the new roadway yet, and he stated that somehow the applicant should work with the Department of Transportation to provide a light.

Mr. Jim Viox addressed the concern of a recreational area and noted that path systems already existing along Oakbrook Drive for jogging which would lead to the ball field and to several parks in the Oakbrook area. Mr. Viox stated Drees had already planned connections to already existing recreational facilities and they would be glad to consider what might be necessary when the development plan for the area was submitted. Mr. Viox noted they would certainly address the buffering with the Improvement Plan. Mr. Viox described the access points and interconnections for the development.

Mr. Martin inquired of any questions or comments on the proposed request.

Mr. E. C. Pennington, 1787 Burlington Pike, inquired how close the apartment building would be to the front door of his home. Mr. Viox stated approximately 75 foot from the rear property line and about 50 feet or so from his house. Mr. Pennington inquired how the property line would be maintained. Mr. Viox stated the property line would be maintained by natural vegetation or landscaped depending on the requirements of the Improvement Plan. Mr. Pennington inquired of the difference between what his deed description showed as the property line and what the proposed plan showed as the property line. Mr. Viox explained the Jones' recorded deed was used to base a description upon. Mr. Pennington inquired if the gravel access road serving his residence also served the Jones' one acre parcel. Mr. Viox answered that he was unaware of this limitation. Mr. Martin further explained that any dispute on the property lines would have to be discussed between the two property owners and stated the Planning Commission had no power or authority over property lines. Mr. Pennington inquired of the western access to the new proposed road. Mr. Viox stated the road was being relocated between KY 18 and Limaburg Road. Further discussion followed on the access road. Mr. Pennington inquired how many units there would be per building. Mr. Schottelkotte stated generally 18-24 units per building.

Mr. Norman McNabb, 4236 Petersburg Road, inquired how high the proposed road was going to be. Mr. Viox stated 10 feet above the creek. Mr. McNabb expressed concern of all the water runoff after the blacktop and concrete was there. Mr. Viox stated the detention area shown was part of a natural water shed that served more than the proposed development's property and stated that all water in the area eventually ran into Gunpowder Creek. Mr. McNabb further expressed concern of the family down the road being trapped if the bridge area flooded. and inquired how a county road could be moved. Mr. Viox explained that the current road was an unapproved gravel road and he verified that Drees was going to put in a 25 foot concrete street or blacktop road from KY 18 all the way to Oakbrook Drive.

Mr. McMillian inquired if there was another minor access point into the commercial site other than the one at the stop light. Mr. Viox stated yes there were three access points and described them on the submitted plan. Mr. McMillian inquired if any consideration had been giving to closing the middle access point going into the commercial development which would prohibit anyone from taking a short cut in order to avoid the stop light. Mr. Schottelkotte stated the design of that was perfectly made so as not encourage quick through traffic going into the site. After further discussion on closing the small access, Mr. Viox stated no consideration had been given to its closing.

Mr. Neltner stated he agreed the minor access point should be closed and noted some consideration should be given to closing it. Mr. Neltner inquired why the "PD" was put on the UR-1 section. Mr. Viox explained the reason for the "PD" was because it gave them a flexibility of development for the landminiums.

Mr. Collins noted his confusion of the property being currently zoned Residential as he thought the property was zoned Commercial because there was farm equipment all over the property. Zoning Enforcement Officer, Tom Breidenstein explained the current use was non-conforming and he was waiting to see the decision of the zone change request.

Mr. Barnett noted that a stacking lane or deceleration would be an improvement for the subdivison and stated the Oakbrook project was very nice and stated his concern of opening the area for view from the roadway. Mr. Barnett stated he did not like to see a Concept Development Plan come through requesting all commercial uses without informing the Commission of what uses were intended. Mr. Barnett noted traffic problems currently on KY 18.

Mr. Davis inquired if it was his understanding that both the Jones' houses would be removed because of the proposed project. Mr. Schottelkotte stated yes. Mr. Davis inquired of the time frame to complete the proposed project. Mr. Schottelkotte stated if approved, Drees anticipated by next

spring to construct the road and immediately begin with the commercial development on the left hand side of the road and the other stages will follow depending on the market. Mr. Davis inquired how long it would take to eliminate the current equipment sale on the Jones' property. Mr. Schottelkotte responded by saying that the intent of the zone change was not to make the sale of farm implements a conforming use. Mr. Schottelkotte understood that the existing use would be taken down and the applicnt was currently looking at sites to relocate the business.

Mr. Neltner inquired that since the commercial uses for the development had not been determined would Drees be back before the Commission several more time with a revised Concept Development Plan. Mr. Viox stated probably not as they felt very firm on the number of sites and the Concept Development Plan.

Director Gerald Newton stressed the importance of the proposed zone change in relation to the overall zoning of the county in the general area. Mr. Newton explained that in the 1986 Comprehensive Plan, there was a reference to encourage road connections to neighboring development in order to provide better traffic movement within the County. Mr. Newton stated that Access Management was important to this Plan as well as any other plans submitted to the Boone County Planning Commission. Mr. Newton described possible connections to the 37.3 acre site either through the residential portion or commercial portion.

After further discussion, Mr. Martin closed the Public Hearing.

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

OCTOBER 1, 1986

8:00 P.M.

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Chairman Kroger called the meeting to order. Roll call was taken by staff member Dee Ann Brewer. 13 members present. Absent: Mr. Slusher and Mrs. Smith. All staff members were present. Atty. Dale Wilson was also present.

Minutes of the September 17, 1986 Business Meeting and the September 24, 1986 Public Hearings were considered. Mr. Davis moved to approve the September 17, 1986 Business Meeting and the September 24, 1986 Public Hearing Minutes as reviewed. The motion was seconded by Mr. Viox. The motion carried unanimously.

Administration

Chairman Kroger inquired of any bills to be paid. Ms. Brewer read the bills to be paid: Staff Salaries & Benefits, \$4,421.73; Vincent, Skees and Wilson, \$1,689.16; Ky. State Treasurer, \$881.88; Boone County Fiscal Court (Insurance), \$1,248.20; Peoples Deposit, \$1,620.67; Greg Sketch, \$967.50; other bills, \$7,460.62; Fred Felix, \$296.80; American Planning Association (PAS reports), \$330.00; Urban Land Institute (ULI books), \$94.50; Kelly Services, \$191.10; Dixie Vending, Inc., \$28.50; Scot Business Machines (toner, service, warranty), \$310.50; American Planning Association (job mart-parks & rec. planner), \$60.00; John R. Green Co. (supplies), \$166.63; University of Kentucky (maps), \$75.00; Jerry W. Rouse, (record permits), \$86.50; GRW Aerial Services (photos), \$800.00; Seybold Company (paper for copier), \$654.00; Morris & Bressler (August services), \$200.00; Ohio Blue Print Company, \$91.49; Boone County Fiscal Court (8/86 postage), \$153.61; Boone County Recorder, \$677.35; Transportation Research Board (Hwy. Capacity Manual), \$40.00; Kenneth Gibbs (final payment for consultant fees), \$3,000.00; U.S. Post Office (stamps), \$22.00; Dolbey & Company (print wheels & supplies, \$27.00; The Preservation Press (book), \$10.27; Mileage for 9/86, \$145.37; People's Deposit Bank (federal tax deposit), \$1,940.98; Fred Felix (supplies for Historic Preservation), \$1,062.78 for an overall total of \$21,293.52. Mr. Jones moved that all bills be paid as presented. The motion was seconded by Mr. Viox. The motion carried unanimously.

Chairman Kroger noted correspondence would be discussed at the end of the meeting.

Reports

Chairman Kroger noted the Zoning Enforcement Officer's Report, Building Inspector Report and the Comparative Budget Report for the Commission's review. Hearing no questions or comments on

the above noted reports, Chairman Kroger proceeded to the items on the agenda.

### Zoning Map Amendment

A request of the Drees Company (agent) for Pat and Arlene Jones (owners) for a Zoning Map Amendment to rezone a 37.3 acre tract of land located at 1785 Burlington Pike, Boone County, Kentucky. The current zoning is Suburban Residential Two, SR-2 and is being proposed to be rezoned to Commercial Two/Planned Development, C-2/PD for approximately 15.7 acres and Urban Residential One/Planned Development Overlay, UR-1/PD for the remaining 21.6 acres.

Director Gerald Newton read the Committee Report which recommended approval based upon findings of fact and subject to the following conditions:

1. The applicant shall be required to develop the 37.3 acre site according to the submitted Concept Development Plan. The maximum square footage of the commercial area shall be 132,300 square feet and 260 apartments or condominiums will be provided.
2. The applicant shall be required to submit an application before the Boone Board of Adjustment for any of the conditional uses in Section 923 of the Boone County Zoning Regulations. The application for a Conditional Use Permit will be evaluated on a case by case basis.
3. The Committee recommends that the applicant evaluate the need to provide some type of recreational facilities in the residential portion of the site. These facilities can be determined at subsequent reviews before the Planning Commission.
4. The applicant shall be required to provide some type of frontage road, which would run parallel to KY 18 in front of the commercial portion of the site in order to provide proper access management controls. This proposed frontage road would connect into the property to the west and could be similar to the type submitted at the Committee meeting.
5. The applicant shall be required to make the appropriate transportation improvements on KY 18 in order to insure safe turning movements into the proposed development (e.g. lefthand turn lane on KY 18 from the westbound lane at Limaburg Road and a storage or deceleration lane on the eastbound lane into the development). The proper number of lanes at each entrance should be evaluated at subsequent reviews of this project.
6. The applicant shall be required to have appropriate type buffering and buffering sufficient in size at the southeast

side of the site to screen the single-family residence from the proposed multi-family housing development.

7. The applicant shall be required to provide a traffic signal, which would face the proposed road.
8. The middle access drive shall be limited to right turn in and right turn out of the proposed development. This limitation shall go into effect when the existing residence along KY 18 is removed and plans are submitted for the individual free standing commercial sites.

Mr. Mike Schottelkotte, representing the request, stated The Drees Company agreed to the conditions and comments within the Committee Report.

Chairman Kroger inquired of any other questions or comments on the proposed request.

Hearing no questions or comments, Mr. Barnett moved to recommend approval by Resolution to the Boone County Fiscal Court for the request of Drees Company (agent) for Pat and Arlene Jones (owners) for a Zoning Map Amendment to rezone a 37.3 acre tract of land located at 1785 Burlington Pike, Boone County, Kentucky based upon the Committee and Staff Reports. The motion was seconded by Mr. Jones.

Chairman Kroger referred to the Commission for discussion.

Mr. Hemmer inquired if Drees was still intending to have three (3) curb cuts into the site. Staff member Kevin Costello stated yes, and that there was a planned frontage road parallel to KY 18 and the location of it would depend upon the actual location of the buildings. Mr. Costello noted the property owner may or may not close the middle access point depending on the location of the planned frontage road. Mr. Hemmer referred to the middle curb cut and inquired if it fell under the guidelines of the access management program. Mr. Newton stated no but explained that with the conditions placed on it, the access would be a suitable curb cut. Mr. Hemmer inquired why the curb cut would then be suitable. Mr. Newton stated the overall objective of the access management was to provide the same level of traffic movement to an area, therefore, by providing storage lanes and deceleration lanes it would be a matter of dealing with the traffic movement.

Mr. McMillian inquired where Drees was providing storage and stacking lanes. Mr. Costello showed the locations and explained that storage and stacking lanes would be reviewed at subsequent reviews and he noted that Drees would also have to obtain special permits from the Department of Transportation. Mr. McMillian

referred to the smaller curb cut. Mr. Costello stated he expected Drees to possibly provide a storage or deceleration lane to allow traffic to ease into that access drive. Mr. Costello noted that Drees had indicated a flared access drive on the Concept Plan. Mr. McMillian inquired if the Committee had felt the small curb cut entrance was necessary. Mr. Costello stated yes with the condition there be no left hand turns be permitted, only right turn in and right turn out. Mr. McMillian inquired if the crossing in the median be eliminated. Mr. Costello stated that someone may need to turn around and noted he believed the elimination of the crossing would fall under the jurisdiction of the State.

Chairman Kroger stated it was his understanding the proposed request was a zone change requesting a Planned Development. Mr. Costello stated that was correct. Chairman Kroger noted the issue of the access points would be addressed at least one more time when coming back before the Planning Commission for Subdivision or Site Plan review. Mr. Costello concurred.

Mr. Viox noted he would abstain due to a business affiliation on the proposed request.

Chairman Kroger indicated the Planning Commission would forward their recommendation to the Boone County Fiscal Court and noted the Planning Commission's staff would not be present.

Mr. Neltner inquired of the distance between the main entrance and the middle entrance. Mr. Costello stated approximately 700 feet. Mr. Neltner questioned whether proper lanes could be provided for both deceleration and acceleration within the short distance between the two curb cuts if the middle curb cut was to remain. Mr. Costello responded that most of the traffic would be using the primary entrance and noted that staff felt there wasn't a high level of traffic to cause safety problems to the main entrance.

After further discussion, a roll call vote was taken.

Ayes: Messrs: Barnett, Burch, Davis, Delong, Greene, Hemmer, Jones, Martin, McMillian and Chairman Kroger.

Nayes: Messrs: Collins and Neltner.

Abstain: Mr. Viox.

The motion carried.

#### Zoning Text Amendment

A request of Boone County Traffic Management Committee through Boone County Fiscal Court for a text amendment to the Boone County Zoning Regulations to include specific traffic access control regulations into the county regulations.

Mr. Newton read the Committee Report which recommended

deferral based upon the need to further examine the ordinance as it addresses Boone County.

Mr. Viox moved to defer the request of the Boone County Traffic Management Committee through Boone County Fiscal Court based upon the Committee Report. The motion was seconded by Mr. Martin. The motion carried unanimously.

#### Zoning Map Amendment

A request of Sarah M. Kloeker (owner) for rezoning of 51.73 acre tract. The property is located at 9696 Camp Ernst Road, Boone County and is currently zoned Rural Suburban Estates, RSE, and Agricultural Two, A-2 and is being proposed to be changed Agriculture, A-1.

Mr. Newton read the Committee Report which recommended approval based upon findings of fact and with the following condition:

1. That the present 51.73 acre tract be limited to a maximum number of four (4) mobile homes located on the site. The purpose of this condition is to maintain the agricultural character and use of the site, as was the expressed intent of the applicant.

Atty. Sharon Sullivan, representing the applicant, stated the applicant agreed to the conditions within the Committee Report.

Mr. Viox moved to recommend approval by Resolution to the Boone County Fiscal Court for the request of Sarah M. Kloeker (owner) for rezoning of 51.73 acre tract located at 9696 Camp Ernst Road, Boone County based upon the Committee Report. The motion was seconded by Mr. Barnett. The motion carried unanimously.

#### Preliminary Plat Review

A request of Donald and Debra Streck for Preliminary Plat Review for Stone Creek Estates Subdivision. This request is for eleven lots on a 60 acre site in an Agricultural, A-1 zone. The site is located on the east side of KY 20 at Woolper Creek.

Staff member Jim Sturdevant presented the Staff Report. (See Staff Report)

Staff Engineer Greg Sketch noted he concurred with the Staff Report.

Mr. Newton read the Committee Report which recommended approval based upon the Staff and Engineer's reports.

Mr. McMillian moved to approve the request of Donald and Debra Streck for Preliminary Plat Review for Stone Creek Estates Subdivision for eleven lots on a 60 acre site located on the east

side of KY 20 at Woolper Creek based upon the Committee and Staff reports. The motion was seconded by Mr. Martin.

Chairman Kroger referred to the Commission for discussion.

Mr. McMillian referred to the green belt between Woolper Creek and the lots located on the hillside and he inquired who would maintain the green belt. Mr. Raymond Erpenbeck, Engineer for the proposed request, stated that particular property would stay in the ownership of Mr. Streck.

Chairman Kroger inquired if the streets within the development would be private. Mr. Erpenbeck stated yes. Chairman Kroger also inquired if the applicant understood what their responsibilities were in regards to the private streets. Mr. Erpenbeck stated yes. Chairman Kroger noted the Staff Report indicated the applicant agreed to properly address concerns about street names and geotechnical factors. Mr. Erpenbeck stated that was correct and noted the applicant did not have names for the streets at the present time and a company had been retained to do soil reports in the area.

After further discussion, the motion carried unanimously.

#### Preliminary Plat Review

A request of Ronald R. Tackett (owner) for Preliminary Plat Review for Bedinger's Landing Estates Subdivision, Section 3 & 4, Boone County, Kentucky. The 38 acre site is located off Chambers Road and Gaines Way and is currently zoned Agricultural Estate, A-2.

Mr. Costello presented the Staff Report. (See Staff Report)

Mr. Newton read the Committee Report which recommended approval based upon the Staff Report.

Mr. Sketch concurred with the Staff Report.

Mr. Barnett moved to approve the request of Ronald R. Tackett (owner) for Preliminary Plat Review for Bedinger's Landing Estates Subdivision, Sections 3 & 4, Boone County, Kentucky located off Chambers Road and Gaines Way based upon the Committee and Staff reports. The motion was seconded by Mr. McMillian.

Chairman Kroger inquired what the 30 foot right-of-way represented between lots 52 & 54. Mr. Costello stated a 50 foot right-of-way was being proposed which would be a publicly dedicated street. Chairman Kroger inquired of the 30 foot easement. Mr. Ronald Tackett, owner explained the 30 foot easement was additional land which could not be used for future development which was similar to a flag lot. Mr. Costello stated it was staff's understanding that the particular tract of land was in the future most likely not to be developed or it would stay as a farm. Mr. Costello pointed out that Mr. Tackett was aware that if he pursued

the selling of individual parcels, he would have to go through Subdivision Review and that the 50 foot right-of-way would come into effect. Chairman Kroger stated that a 30 foot easement would not be beneficial to anyone or the County, if in the future that land that nobody currently wanted opened up. Chairman Kroger suggested that if possible, Mr. Tackett should put a 50 foot easement when submitted for Improvement Plan Review. Mr. Tackett explained his reasons for the 30 foot easement.

After further discussion, the motion carried unanimously.

#### Improvement Plan Review

A request of Arlinghaus Builders for Improvement Plan Review for Phase I, Arlington Station Subdivision. This request is for 22 lots on 8.3 acres in Rural Suburban, RS and Suburban Residential One, SR-1 zones. The site is located on the northeast side of Beemon Lane, Boone County, Kentucky.

Staff member Jim Sturdevant presented the Staff Report. (See Staff Report)

Mr. Newton read the Committee Report which recommended approval based upon the Staff and Engineer's report.

Mr. Sketch concurred with the Staff Report.

Mr. McMillian moved to approve the request of Arlinghaus Builders for Improvement Plan Review for Phase I, Arlington Station Subdivision for 22 lots on 8.3 acres located on the northeast side of Beemon Lane, Boone County, Kentucky based on the Committee and Staff reports. The motion was seconded by Mr. Greene. The motion carried unanimously.

#### Site Plan Review

A request of Corporex, Inc. (owner) for Site Plan Review for construction of the Hampton Inn located on the southwest quadrant of I-75 and Turfway Road, Florence, Kentucky. The two (2) acre site is zoned Office Two/Planned Development Overlay, O-2/PD.

Staff member Kevin Costello presented the Staff Report which recommended deferral because the applicant had applied for a Variance for the sideyard setback on the adjacent 9.34 acre parcel to permit the construction of a hotel on both parcels which Corporex currently owns. The Variance request would be brought to the attention of the Florence Board of Adjustment on October 8, 1986. Mr. Costello stated staff suggested the deferral be placed on the agenda for October 15, 1986.

Mr. Greene moved to defer the request of Corporex, Inc. for Site Plan Review for construction of the Hampton Inn located on the southwest quadrant of I-75 and Turfway Road, Florence, Kentucky based upon staff's recommendation for the October 15, 1986 Business

Meeting. The motion was seconded by Mr. Jones. The motion carried unanimously.

### Site Plan Review

A request of Corporex, Inc. (owner) for Site Plan Review for the Cracker Barrel Restaurant. The 1.6 acre site is located on the southwest quadrant of I-75 and Turfway Road, Florence, Kentucky and is zoned Office Two/Planned Development Overlay, O-2/PD.

Mr. Costello presented the Staff Report. (See Staff Report)

Mr. Dina Surely with Cracker Barrel Real Estate Management, addressed the landscaping provisions.

Mr. Viox moved to approve the request of Corporex for Site Plan Review for the Cracker Barrel Restaurant located on the southwest quadrant of I-75 and Turfway Road, Florence, Kentucky based upon the Staff Report. The motion was seconded by Mr. Davis.

Mr. Sketch concurred with the Staff Report.

Chairman Kroger referred to the Commission for discussion.

Mr. Collins inquired of the 25 foot parkway shown on the plan. Mr. Costello explained that was a boulevard type entrance which would allow some storage capabilities and then narrow down to the 25 foot.

Chairman Kroger inquired of the distance on either side of the island. Mr. Costello stated 66 feet from point to point and noted another key feature was the interconnection of the parking lot to the adjoining proposed restaurant. Mr. Costello pointed out the proposed restaurant would face Turfway Road.

Chairman Kroger inquired of any tall plantings. Mr. Surely stated yes, and described the various types and ranging from 10-12 feet in height.

Mr. Delong questioned the need for 103 parking spaces. Mr. Surely explained that during the lunch hour there was usually only one person per vehicle and that also campers, buses, boats, etc., took up more than one parking space. Mr. Surely stated they originally wanted 120 spaces and also easy access parking for their customers.

Mr. McMillian inquired if the property line was where the end of the interconnection driveway was located. Mr. Surely stated yes. Mr. McMillian then inquired if the interconnecting road went through the Cracker Barrel property. Mr. Surely stated yes.

Chairman Kroger inquired if there was an agreement between the applicant and the developer as to the flow of traffic through the interconnection. Mr. Surely stated yes.

After further discussion, the motion carried unanimously.

Preliminary Plat Review, Improvement Plan Review, Site Plan Review

A request of Rustic Hills Development Corporation (agent) for Thomas Leathers (owner) for a revision to approved Preliminary Plat, Improvement Plan, and Site Plan, all approved September 3, 1986 to construct 26 townhouse units. The 5.30 acre site is located on the south side of KY 18, east of Oakbrook Subdivision, Boone County, Kentucky and is currently zoned Suburban Residential Two, SR-2.

Staff member Jim Sturdevant presented the Staff Report. (See Staff Report)

Mr. Sketch concurred with the Staff Report.

Mr. Newton read the Committee Report which recommended approval of the revised Preliminary, Improvement, and Site Plans based upon the Staff Report.

Mr. McMillian moved to approve the request of Rustic Hills Development Corporation (agent) for Thomas Leathers (owner) for a revision to approved Preliminary Plat, Improvement and Site Plans, to construct 26 townhouse units located on the south side of KY 18, east of Oakbrook Subdivision, Boone County, Kentucky based upon the Committee and Staff reports. The motion was seconded by Mr. Greene.

Mr. Ralph Drees stated the berm (landscaped area) should be extended down another lot in order to shield the houses from the mixed uses. Mr. Robert McClelland, partner in the development, stated he did not feel they would have a problem in extending the berm down. Mr. Drees inquired if the proposed road would be dedicated. Mr. McClelland stated yes, the side that bordered the Drees property would be dedicated.

After further discussion on extending the berm, Chairman Kroger suggested that the applicant and Mr. Drees excuse themselves from the meeting to discuss some questions and he would proceed with the other agenda items and return back to the proposed request.

Chairman Kroger proceeded to the other items on the agenda.

Site Plan Review

A request of Viox & Viox, PSC (agent) for KAYBON Enterprises II, c/o Fred A. Macks, Jr. (owner) for Site Plan Review for a 4,000 square foot addition to an existing building. The 3.56 acre tract is zoned Industrial One, I-1 and is located at 3625 - 3657 O'Hara Road, Boone County, Kentucky.

Staff member Tom Breidenstein presented the Staff Report. (See Staff Report)

Mr. Newton read the Committee Report which recommended approval based upon the Staff and Engineer's reports.

Mr. Jones moved to approve the request of Viox & Viox, PSC (agent) for KAYBON Enterprises II, c/o Fred A. Macks, Jr. (owner) for Site Plan Review for a 4,000 square foot addition to an existing building located at 3625-3657 O'Hara Road, Boone County, Kentucky based upon the Committee and Staff reports. The motion was seconded by Mr. Davis.

Mr. Viox noted he would abstain due to a business affiliation with the proposed request.

The motion carried.

#### Site Plan Review

A request of Century Investment (owner) for Site Plan Review for Lot One, Whispering Woods Subdivision. This includes two buildings of 12 apartment units each on a two acre lot. The site is located at the corner of Limaburg Road and proposed Tanglewood Court, opposite Distribution Drive, Boone County, Kentucky and is zoned Urban Residential One, UR-1.

Mr. Newton presented the Staff Report. (See Staff Report)

Mr. Sketch concurred with the Staff Report.

Mr. Newton read the Committee Report which recommended approval based upon the Staff and Engineer's reports.

Mr. Barnett moved to approve the request of Century Investment (owner) for Site Plan Review for Lot One, Whispering Woods Subdivision which included two buildings of 12 apartment units each on a two acre lot located at the corner of Limaburg Road and proposed Tanglewood Court, opposite Distribution Drive, Boone County, Kentucky based upon the Committee and Staff reports. The motion was seconded by Mr. Davis.

Mr. Viox noted he would abstain due to a business affiliation with the proposed request.

Chairman Kroger inquired who was Century Investment. The Engineer stated that Century Investment was the owner and Mr. Wee was the principle partner in Century Investment. Chairman Kroger if Mr. Hoxby was an owner. The representative stated no.

After further discussion, the motion carried.

#### Site Plan Review

A request of Jerry Wilson Trucking, Inc. (owner) for Site Plan Review for a 2,400 square foot industrial building. The 0.7346

acre site is located at 1575 Production Drive, Boone County and is zoned Industrial One, I-1.

Staff member David Geohegan presented the Staff Report which recommended deferral based upon the applicant's request and the applicant had agreed to waive all time requirements.

Mr. McMillian moved to defer the request of Jerry Wilson Trucking, Inc. for Site Plan Review based upon the applicant's request. The motion was seconded by Mr. Greene. The motion carried unanimously.

#### Site Plan Review

A request of Ralph Schwartz for Schwartz & Schwartz Enterprises for revision of an approved Site Plan to construct an addition to an existing drug store at 7009 Dixie Highway, Florence, Kentucky. The 2.35 acre site is zoned Commercial Two, C-2.

Mr. Newton presented the Staff Report.

Mr. Newton read the Committee Report which recommended approval based upon the Staff and Engineer's reports.

Mr. Jones moved to approve the request of Ralph Schwartz for Schwartz & Schwartz Enterprises for revision of an approved Site Plan to construct an addition to an existing drug store located at 7009 Dixie Highway, Florence, Kentucky based upon the Committee and Staff reports. The motion was seconded by Mr. Collins.

Chairman Kroger referred to the Commission for discussion.

Mr. Neltner referred to the diagram and inquired why the proposed drive was being added. Mr. Newton stated there was a 12 foot drive located near the existing drive to be used as reserved parking for some employees. Mr. Sturdevant stated the applicant had explained that the proposed drive was to be a service drive to the rear of the building.

After further discussion, the motion carried unanimously.

Chairman Kroger referred back to the request of Rustic Hills Development Corporation and he noted the two concerns raised by Mr. Drees.

Mr. Drees stated he would still like to see the berm extended down one more lot, approximately 100 feet and he noted his objection to the way the buildings were set on each of the lots. Mr. Drees stated that lots 1, 2 & 3 were not suited to the topography, they have the driveways coming in the rear and the land sloped from high in the rear and low in the front. Mr. Drees stated that with the drive coming in the rear that meant they would have to cut that much further into the hillside and all that would be showing from KY 18 was a bunch of rock. Mr. McClelland stated they

had no problem with extending the berm down 100 feet or so, but noted he was not prepared to make any comment on the setting of the buildings on lots 1,2 & 3.

Chairman Kroger noted the motion on the floor was to approve the Site Plan as presented.

A roll call vote was taken on the motion.

Ayes: Messrs: Collins, Greene, Jones and McMillian.

Nayes: Messrs: Barnett, Burch, Davis, Delong, Hemmer, Martin, Neltner, Viox and Chairman Kroger.

The motion failed.

After further discussion, Mr. Viox moved to defer the proposed request for a two week period. The motion was seconded by Mr. Davis.

Mr. Barnett inquired what was to be accomplished within the two weeks of deferral. Mr. Viox stated that staff could receive a rendering or a cross section from the applicant indicating exactly what the Planning Commission would be viewing from KY 18.

Mr. McMillian inquired if the deferral was for the whole development or just lot one. Mr. McMillian stated he did not see what was to be accomplished by a deferral.

Mr. Greene stated if the applicant felt they could improve the appearance of the building then he was sure they would. Mr. Greene noted he objected to a deferral.

Atty. Wilson pointed out that the request was a development that had already come before the Planning Commission and had been approved which did not have to come before the Commission again except for the relocation of the road.

Chairman Kroger inquired if the relocation of the driveway would have any bearings on the elevations of the building. Mr. Sturdevant stated the relocation of the driveway would have no effect on the elevations for the building proposed on Lot #1

Chairman Kroger referred to Mr. McClelland and inquired how he felt about a two week deferral. Mr. McClelland stated he felt a two week deferral would be costly to himself and the other investors of the development, therefore, he requested that the Planning Commission approve the upper half of the development (lots 4,5 & 6) and only have the deferral on lots 1,2 & 3.

Mr. Newton described the elevation difference between the front and back of lot #1.

Mr. Drees stated the proposed road would be going across

someone else's land and inquired how that was previously approved. Mr. Sturdevant explained that the plans submitted by the applicant and reviewed by the staff indicated the roadway was on land under the ownership of the applicant.

Mr. McMillian pointed out the Commission was to take action only on the relocation of the road.

Mr. Drees stated he believed that when first entering off Ky 18 the road was actually on the Vesper property. Mr. McClelland clarified that Mr. Vesper's driveway was actually on a part of their property.

After further discussion on the road, Mr. Viox withdrew his motion for a two week deferral on the entire request. Mr. Davis who seconded the motion concurred.

Chairman Kroger noted that part of the problem was the Planning Commission was having a difficult problem in locating the buildings and where they would physically rest in conjunction with Oakbrook, the doctor's offices, and Oakbrook Drive. Chairman Kroger stated he would like to see some additional drawings before final action was taken on the proposed request. Chairman Kroger inquired of the Commission's action on the proposed request.

Mr. Greene moved the request be granted as originally submitted. The motion was seconded by Mr. Jones.

Mr. Viox stated he would be against the motion because it included lots 1,2 & 3 which were the lots he was concerned about.

Chairman Kroger concurred with Mr. Viox.

After further discussion, a roll call vote was taken on the motion.

Ayes: Messrs: Collins, Greene, Jones and McMillian.

Nayes: Messrs: Barnett, Burch, Davis, Delong, Hemmer, Martin, Neltner, Viox and Chairman Kroger.

The motion failed.

Mr. Barnett moved to defer lots 1,2 & 3 for two weeks but approve lots 4,5 & 6 and that the issue of the berm and the elevation for lots 1,2 & 3 be further examined by staff and lots 1,2 & 3 be brought up for action October 15, 1986. The motion was seconded by Mr. Viox.

Mr. Neltner expressed concern of any large trees being taken down to put in a 4 foot berm. Mr McClelland stated they would place a 4 foot berm on each side of the larger trees on the east side of the property line with the exception of 2 large locust trees which would be removed because of their poor condition.

Mr. Hemmer inquired if immediate work would be done on lot #3. Mr. McClelland stated no.

After further discussion, the motion carried unanimously.

#### Site Plan Review

A request of Purestream, Inc. for Site Plan Review for the wholesale trade of water purification systems. The two acre site, located at the southeast corner of Maher Road and Dixie Highway, Boone County, Kentucky is zoned Industrial One, I-1.

Staff member Tom Breidenstein presented the Staff Report. (See Staff Reprt)

Mr. Newton read the Committee Report which recommended approval based upon the Staff and Engineer's reports.

Mr. Viox moved to approve the request of Purestream, Inc. for Site Plan Review for the wholesale trade of water purification systems located at the southeast corner of Maher Road and Dixie Highway, Boone County, Kentucky based upon the Committee and Staff reports. The motion was seconded by Mr. Martin.

Mr. McMillian inquired of an existing building on the property. Mr. Clayton Orsburn, representing the request, stated there was an existing barn that burned down and they replaced another structure in its place which was larger.

Chairman Kroger inquired if an office building was going to be constructed. Mr. Orsburn stated yes.

Mr. Davis questioned if there was an existing entrance off of Maher Road since he believed it was just a gate. Mr Orsburn stated there was a road there. Mr. Davis inquired if staff accepted the road as an existing curb cut. Mr. Breidenstein stated yes. Mr. Davis referred to the office trailer currently on the site and inquired if all required permits had been obtained. Mr. Breidenstein explained that Mr. Jim Marcus, representative for Purestream, had applied for building permits and when he reviewed the plan for the zoning permit he realized Site Plan Review was necessary. Mr. Breidenstein stated no permits were necessary for accessory structures. Mr. Davis noted some trees that had been cut down on the property. Mr. Marcus explained that a tree had been cut down at the end of the parking which would have been in the middle of the parking lot.

Mr. Barnett inquired that since the business was for wholesale trade would there be any type of display. Mr. Orsburn stated no.

Chairman Kroger inquired how many employees would be employed at the site. Mr. Orsburn stated approximately ten or

eleven employees.

After further discussion, the motion carried unanimously.

NEW BUSINESS:

Site Plan Review - Carol Smith, Chairwoman

A request of Ken and Norma Smith for Site Plan Review for a 1,020 square foot addition to the Dairy Island. The one-half acre lot, located at 8560 Dixie Highway, Boone County, Kentucky is zoned Commercial One, C-1.

Chairman referred the request to Committee for review.

Zoning Map Amendment - Don Davis, Chairman

A request of John Cronin (agent) for Harris and Lenore Surface (owners) for a Zoning Map Amendment to rezone 3.2 acres of land located at 1065 Burlington Pike, Boone County, Kentucky. The property is currently zoned Commercial Two, C-2 and is being requested to be Commercial Services, C-3. The intended use is a new automobile dealership.

Mr. Viox moved to set the Public Hearing date for the above noted request for October 22, 1986. The motion was seconded by Mr. Davis. The motion carried unanimously.

Preliminary Plan Review - Carol Smith, Chairwoman

A request of Corporex Parks of Kentucky, Inc. for revision to a Preliminary Plat for Circleport I. The 32 acre site includes lots 4,5,9 and 10 of Circleport Business Center and is zoned Industrial One, I-1 and is located in the south west corner of I-275 and Mineola Pike, Boone County, Kentucky.

Chairman Kroger referred the request to Committee for review.

Director's Report

Director Newton noted the "Report on Examination for the Fiscal Year ended June 30, 1986" had been distributed for each Commissioner's review.

Mr. Newton noted the Florence Liaison Meeting would be October 2, 1986 to discuss the Houston/Donaldson Corridor Study.

Mr. Newton pointed out the closeness of the holiday seasons and inquired of any rescheduling that may be needed for the Public Hearing dates. Chairman Kroger recommended that the normal Public Hearing times (4th Wednesday's) be rescheduled for the 3rd Wednesday's for the months of November and December. The Commission as a whole agreed.

Chairman Kroger referred to correspondence received from Mr. Noel Walton requesting a refund of \$150.00 which he had paid himself for two convenience plats which had been approved for the Richwood Presbyterian Church and the Richwood Cemetery Association. Mr. Walton explained that at a later date the two organizations had decided not to record the plats, therefore not needing to go through the Planning Commission's process for approval of the two plats.

After discussion on the proposed request, Chairman Kroger stated that had no action been taken on the plats the Planning Commission probably could have refunded the monies.

Mr. Viox moved to deny the request of Mr. Noel Walton for the refund of \$150.00 for two approved convenience plats. The motion was seconded by Mr. Burch. The motion carried unanimously.

Chairman Kroger suggested that Mr. Newton direct a letter to the Richwood Cemetery Association and advise them of the Planning Commission's action and why the action had been taken.

Chairman Kroger informed the Commission that Mr. Harvey Pelly had been hired as the County's Engineer and he recommended the Planning Commission to allow Mr. Pelly to review the convenience and final plats at the same rate that Mr. Greg Sketch was being paid.

Mr. Viox moved to have Mr. Harvey Pelly as the County's Engineer, review the Boone County Planning Commission's convenience and final plats at the same rate as Mr. Greg Sketch. The motion was seconded by Mr. Martin. After further discussion, the motion carried unanimously.

Hearing no further questions or comments, Mr. Martin moved the meeting adjourn. The motion was seconded by Mr. Davis. The motion carried unanimously.

The meeting adjourned.

APPROVED:

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PAUL E. KROGER, CHAIRMAN

ATTEST:

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DEE ANN BREWER, ADMINISTRATIVE ASST.

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

RE: Request of the Drees Company (agent) for Pat and Arlene Jones (owners) for a Zoning Map Amendment to rezone a 37.3 acre tract of land located at 1785 Burlington Pike, Boone County, Kentucky. The current zoning is Suburban Residential Two (SR-2) and is being proposed to be rezoned to Commercial Two/Planned Development Overlay (C-2/PD) for approximately 15.7 acres and Urban Residential One/Planned Development Overlay (UR-1/PD) for the remaining 21.6 acres.

DATE: October 1, 1986

REMARKS:

We, the Committee, recommend approval based upon the following findings of fact and subject to the following conditions.

Findings of Fact

- 1) The proposed zoning map amendment is in agreement with the 1980 Boone County Comprehensive Plan and the 1986 Boone County Comprehensive Plan.

Reference to the 1980 and the 1986 Comprehensive Plan are made in the staff report. Both plans recommend that the area be developed for commercial and residential purposes with careful attention given to the actual layout and design of the proposed development due to the topography of the site.

Conditions


- 1) The applicant shall be required to develop the 37.3 acre site according to the submitted Concept Development Plan. The maximum square footage of the commercial area shall be 132,300 square feet and 260 apartments or condominiums will be provided.
- 2) The applicant shall be required to submit an application before the Boone Board of Adjustment for any of the conditional uses in Section 923 of the Boone County Zoning Regulations. The application for a Conditional Use Permit will be evaluated on a case by case basis.
- 3) The Committee recommends that the applicant evaluate the need to provide some type of recreational facilities in the residential portion of the site. These facilities can be determined at subsequent reviews before the Planning Commission.
- 4) The applicant shall be required to provide some type of frontage

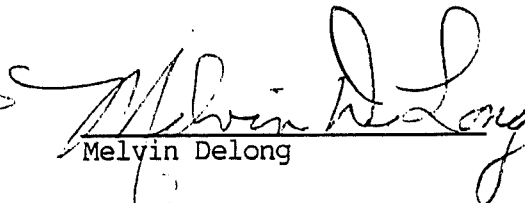
road, which would run parallel to KY 18 in front of the commercial portion of the site in order to provide proper access management controls. This proposed frontage road would connect into the property to the west and could be similar to the type submitted at the Committee meeting.

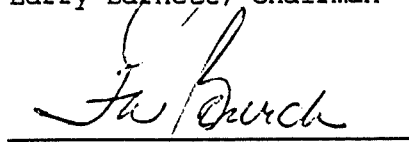
- 5) The applicant shall be required to make the appropriate transportation improvements on KY 18 in order to insure safe turning movements into the proposed development (e.g. lefthand turn lane on KY 18 from the westbound lane at Limaburg Road and a storage or deceleration lane on the eastbound lane into the development). The proper number of lanes at each entrance should be evaluated at subsequent reviews of this project.
- 6) The applicant shall be required to have appropriate type buffering and buffering sufficient in size at the southeast <sup>southwest</sup> side of the site to screen the single-family residence from the proposed multi-family housing development.
- 7) The applicant shall be required to provide a traffic signal, which would face the proposed road.
- 8) The middle access drive shall be limited to right turn in and right turn out of the proposed development. This limitation shall go into effect when the existing residence along KY 18 is removed and plans are submitted for the individual free standing commercial sites.

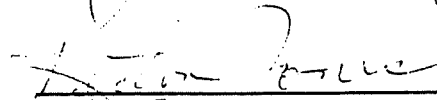
### Conclusion

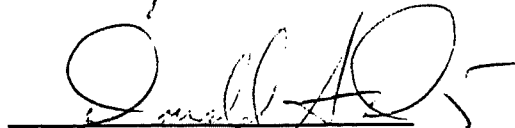
The submitted Concept Development Plan exemplifies an imaginative design to provide key neighborhood type commercial services and other types of commercial services to the Oakbrook Subdivision and neighboring residents. The proposed multi-family residential use would be similar to the type of development, which already exists in the Oakbrook Subdivision, a planned residential community.


  
Larry Barnett, Chairman

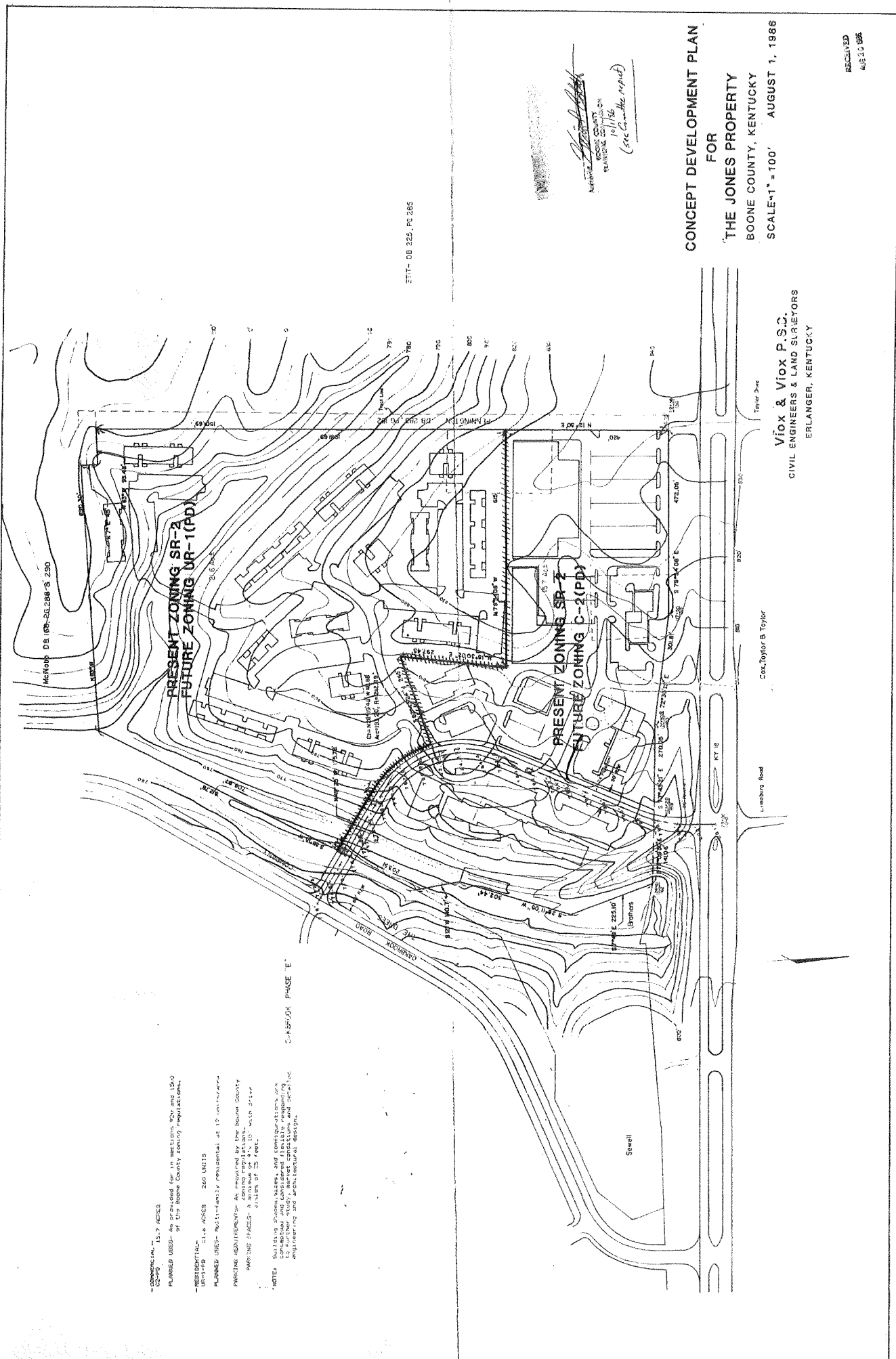
  
Melvin DeLong

  
Fred Burch

  
Rector Jones

  
Donald Davis

  
~~William Viox~~



STY- DB 225, PG 285

*[Signature]*  
 BOONE COUNTY  
 1916  
*(Spec Certificate report)*

**CONCEPT DEVELOPMENT PLAN  
 FOR  
 THE JONES PROPERTY  
 BOONE COUNTY, KENTUCKY  
 SCALE=1" = 100' AUGUST 1, 1986**

RECEIVED  
 AUG 10 1986

**Viox & Viox P.S.C.**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 ERLANGER, KENTUCKY

**COMMERCIAL - 15.7 ACRES**  
 PLANNED USES- As proposed for in sections 400 and 1500  
 of the Boone County zoning regulations.  
**RESIDENTIAL - 260 UNITS**  
 PLANNED USES- Multi-family residential as to unit type  
 PARKING REQUIREMENTS- As required by the Boone County  
 zoning regulations. A minimum of 4.10' wide drive  
 spaces of 25 feet.  
**NOTES:** Building foundations and construction are  
 to be determined by the engineer and contractor  
 based on site conditions and detailed  
 engineering and architectural designs.

Cokebrook Phase 'E'

BOONE COUNTY FISCAL COURT

ORDINANCE NO. 920,101

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE TO REZONE A 37.3 ACRE TRACT FROM SUBURBAN RESIDENTIAL TWO, SR-2 TO COMMERCIAL TWO/PLANNED DEVELOPMENT OVERLAY, C-2/PD FOR APPROXIMATELY 15.7 ACRES AND URBAN RESIDENTIAL ONE/PLANNED DEVELOPMENT OVERLAY, UR-1/PD FOR THE REMAINING 21.6 ACRES FOR PROPERTY LOCATED AT 1785 BURLINGTON PIKE, BOONE COUNTY, KENTUCKY, AS REQUESTED BY THE DREES COMPANY (AGENT) FOR PAT AND ARLENE JONES (OWNERS) AND AS RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION NO. R-36-86.

WHEREAS, the Boone County Fiscal Court received a request from the Boone County Planning & Zoning Commission for a map Amendment for a zone change to rezone a 37.3 acre tract from Suburban Residential Two, SR-2 to Commercial Two/Planned Development Overlay, C-2PD for approximately 15.7 acres and Urban Residential One/Planned Development Overlay, UR-1/PD for the remaining 21.6 acres for certain real estate which is more particularly described below, and;

WHEREAS, the Boone County Fiscal Court has recognized the conducted Public Hearing by the Boone County Planning Commission, serving as a due process trial-type hearing, and its findings of fact recommending approval of the zone change request, and;

WHEREAS, the Fiscal Court of Boone County, Kentucky, deems it necessary to enact this Ordinance, to preserve and protect the health, safety and convenience of the inhabitants of Boone County pursuant to the Fiscal Court's authority under KRS 67.083 and Chapter 100 of the Kentucky Revised Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the zone change for the real estate which is more particularly described below shall be and is hereby approved and adopted, this map amendment being a zone change from SR-2 to C-2PD and UR-1/PD. The real estate which is the subject of this zone change recommendation is more particularly described as follows, to wit:

See attached legal description which is incorporated by reference as if fully set out herein.  
(ATTACHMENT - EXHIBIT "A")

SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning & Zoning Commission, as set forth in its Minutes and official records for this zone change request, shall be (continued, Page [2]...)

and are hereby incorporated by reference as if fully set out in this Ordinance.

(ATTACHMENT - EXHIBIT "B")

THAT, this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the 21<sup>st</sup> day of October, 1986.

Adopted by the Fiscal Court of Boone County after Second Reading at a Regular Meeting on the 4<sup>th</sup> day of Nov., 1986, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.

*Bruce Ferguson*

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Bruce Ferguson  
Boone County Judge/Executive

Attest:

\_\_\_\_\_  
Jerry W. Rouse  
Boone County Clerk

Submitted by:

*Larry Crigler*

\_\_\_\_\_  
Larry Crigler  
Boone County Attorney

\_\_\_\_\_  
(DATE PUBLISHED)